

REMARKS

Claims 1, 18, 33, 37, 38, 39, 40 and 41 have been amended and no claims have been cancelled or added. No new matter has been added. Claims 1-41 are pending.

Disclaimers Relating to Claim Interpretation and Prosecution History Estoppel

Claims 1, 18, 33, 37, 38, 39, 40 and 41 have been amended, notwithstanding the belief that these claims were allowable. Except as specifically admitted below, no claim elements have been narrowed. Rather, cosmetic amendments have been made to the claims and to broaden them in view of the cited art. Claims 1, 18, 33, 37, 38, 39, 40 and 41 have been amended solely for the purpose of expediting the patent application process, and the amendments were not necessary for patentability.

The claims of this application are intended to stand on their own and are not to be read in light of the prosecution history of any related or unrelated patent or patent application. Furthermore, no arguments in any prosecution history relate to any claim in this application, except for arguments specifically directed to the claim.

Specification

The Examiner objected to the title as not descriptive. The specification has been amended with a more descriptive title. The Examiner is invited to suggest alternatives.

Double Patenting

The Examiner issued a provisional rejection under 35 U.S.C. 101 for claims 1-41 as claiming the same invention of application no. 10/769616. However, application no. 10/769616 was expressly abandoned on 5-9-2006. As such, withdrawal of the rejection is therefore respectfully requested.

Claim Objections

The Examiner objected to claims 37, 38, and 41. This objection is respectfully traversed. The Examiner pointed to the following informalities:

- 1) The Examiner objected to claim 37 stating there was insufficient antecedent basis for “the enhanced first, second and third color image signals”.
- 2) The Examiner objected to claim 38 stating there was insufficient antecedent basis for “the enhanced first, second and third color image signals”.
- 3) The Examiner objected to claim 41 stating there was insufficient antecedent basis for “a second sensor”.

The claims have been amended to overcome the objections. As such, the claim objections should be withdrawn.

Claim Rejections - 35 USC § 102

The Examiner rejected claims 1-15, 17-30, 32-37, 40 and 41 under 35 USC § 102(e) as anticipated by Cardot (USP 6,831,761). This rejection is respectfully traversed.

Claim 1

Cardot discloses a scanner which comprises an imaging camera which has a one-dimensional 4-line CCD unit. (Cardot, Fig. 2a). The 4-line CCD unit comprises a high-resolution grayscale sensor and a low-resolution red, green, and blue sensor. (Cardot, abstract). The purpose of Cardot’s scanner is to provide images having a range of resolutions using a minimum amount of bandwidth. (Cardot, col. 2, lines 27-31). Cardot achieves this by using a one-dimensional linear 4-line CCD unit. While Cardot discloses a scanner including an imaging camera for creating color or grayscale images having a range of resolutions, it is distinguishable from claim 1.

Claim 1 recites at least one limitation not disclosed, taught or suggested by Cardot. Claim 1, as amended, includes the limitation “a second photoconverter distinct from the first photoconverter”. The Office action asserts that the “first photoconverter” limitation of claim 1 is taught by Cardot’s red linear CCD sensor as seen in Fig. 2a of Cardot. The Office action further asserts that the “second photoconverter” is taught by the grayscale CCD sensor as seen in Fig. 2a of Cardot. However,

Cardot does not disclose two distinct photoconverters as recited in claim 1. Cardot only discloses one 4-line CCD unit comprising both the grayscale and color sensors. In other words, Cardot discloses only *one* photoconverter comprising grayscale and color sensors. Therefore, Cardot does not disclose, teach or suggest the limitation "a second photoconverter distinct from the first photoconverter". As such, claim 1 is distinguishable from Cardot and the 102(e) rejection of claim 1 should be withdrawn.

Claims 18, 33, 39, 40 and 41

To the extent that independent claims 18, 33, 39, 40 and 41 include the similar limitation recited in claim 1, namely a "second photoconverter distinct from the first photoconverter" limitation, claims 18, 33, 39, 40 and 41 are patentable over Cardot for the same reasons claim 1 is patentable over Cardot.

Further, by virtue of their dependency on claim 1, claims 2-15, and 17 are patentable over Cardot. Similarly, by virtue of their dependency on claim 18, claims 19-30 and 32 are patentable over Cardot. Finally, by virtue of their dependency on claim 33, claims 34-37 are patentable over Cardot.

Claim Rejections - 35 USC § 103

The Examiner rejected claims 16, 31, 38 and 39 under 35 USC § 103(a) as being unpatentable over Cardot (USP 6,831,761). This rejection is respectfully traversed.

"To establish a *prima facie* case of obviousness, [...] the prior art reference (or references when combined) must teach or suggest all of the claim limitations." *MPEP 706.02(j)*.

Claim 16

Claim 16 is distinguishable from Cardot for the following two reasons. First, by virtue of its dependency on claim 1, claim 16 is patentable over Cardot. Specifically, as claim 16 is indirectly dependent on claim 1, claim 16 inherits the limitations of claim 1. As such, claim 16 inherits the limitation "a second photoconverter distinct from the first photoconverter". However, Cardot nowhere teaches or suggests two separate photoconverters. Cardot instead teaches a scanner with

just one photoconverter comprising grayscale and color sensors. Therefore, by virtue of its dependency on claim 1, claim 16 is patentable over Cardot.

Second, claim 16 recites the limitation, “wherein the color signal correction unit is further for improving the color signals’ **gradation**” (emphasis added). The Office action admits that Cardot does not disclose this limitation. The Office action further asserts that “it would have been obvious to one of ordinary skill in the art to modify Cardot to provide sufficient color signals and/or desired imaging qualities”. (Office action, page 9). However, Cardot only focuses on producing images with different *resolutions*. To achieve this, Cardot discloses a high-resolution grayscale sensor and low-resolution color sensors for the purpose of producing images of different resolutions. However, Cardot does not teach or suggest, either explicitly or implicitly, producing images wherein “the color signals’ **gradation**” is improved. As such, claim 16 is patentable over Cardot as Cardot does not disclose, teach or suggest the limitation of claim 16.

Claims 31 and 38

To the extent that claims 31 and 38 include the similar limitation recited in claim 16, namely the “improving the color signals’ **gradation**” limitation, claims 31 and 38 are patentable over Cardot for the same reasons claim 16 is patentable over Cardot.

Claim 39

Claim 39 recites, among other limitations, “a control circuit which causes a light receiving time of the first sensor to be shorter than a light receiving time of the second sensor”. The Office action admits that Cardot does not disclose this limitation. (Office action, page 9). The Office action asserts that “it would have been obvious to one of ordinary skill in the art to modify Cardot” “to control the receiving time of the plurality of the sensors”. (Office action, page 9). However, Cardot only teaches sensors having different sensitivities to the frequency of light. Cardot does not teach or suggest, either explicitly or implicitly, the relationship between the sensitivities of the sensors and the control receiving times. In particular, Cardot does not teach or suggest, “a control circuit which causes a light receiving time of the first sensor to be shorter than a light receiving time

of the second sensor". As such, claim 39 is patentable over Cardot as Cardot does not disclose, teach or suggest, either explicitly or implicitly, the limitations of claim 39.

For the reasons stated above, claims 1-41 are patentable over Cardot and the rejections should be withdrawn.

Conclusion

It is submitted, however, that the independent and dependent claims include other significant and substantial recitations which are not disclosed in the cited references. Thus, the claims are also patentable for additional reasons. However, for economy the additional grounds for patentability are not set forth here.

In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

The Examiner is invited to call the undersigned attorney to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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